

BOARD OF FUNERAL SERVICES

MAY 17, 2005 MINUTES – AS APPROVED JUNE 22, 2005

The Board of Funeral Services held a meeting on Wednesday, May 17, 2005 at 10:00 a.m. in the Cannon Building, second floor, Conference Room B, 861 Silver Lake Blvd., Dover, Delaware.

Present:

William J. Doherty II, Professional Member, President
Lyle Dabson, Public Member
Bennie Smith, Professional Member
Robert C. Hutchinson, Jr., Professional Member, Secretary
Sherry Hoffman, Deputy Attorney General
Dana Spruill, Administrative Specialist II
Ann Adams, Court Reporter, Wilcox & Fetzer

Absent:

Rose Pritchett, Public Member
Kelly Ann Pepper, Professional Member
Austin L. Grice, Jr., Public Member

CALL TO ORDER

Mr. Doherty called the meeting to order at 10:15 a.m.

REVIEW OF MEETING MINUTES

Mr. Dabson made a motion, seconded by Mr. Hutchinson, to approve the Minutes of the April 6, 2005 meeting as amended. The motion was carried unanimously.

CONTINUING EDUCATION COMMITTEE REPORT

The Continuing Education Committee did not meet today due to lack of a quorum.

PUBLIC HEARING – REVISION TO RULES AND REGULATIONS

Mr. Doherty called the Public Hearing to order at 10:55 a.m. The Board members present introduced themselves. The Board proposed to make changes to its rules and regulations relating to continuing education. The proposal authorizes the automatic approval of courses offered by the Academy of Funeral Services Practitioners (AFSP) or state boards that license funeral directors. Notice of the Public Hearing was published in two Delaware newspapers. Notice of the Public Hearing was published in the Delaware Register of Regulations. Verbatim testimony was recorded by the court reporter. No written comments were received. The Board went off record to deliberate. At 11:19 a.m., the Board went back on record. Based on a discussion by the Board during deliberations, a motion was made by Mr. Dabson, seconded by Mr. Smith, to make the following changes to the Rules and Regulations:

- 1) Change the language in Rule 9.4.2 from programs “offered” by the AFSP to programs “approved” by the AFSP;
- 2) Change Rule 9.4.7 to state “Approval of the Continuing Education credits shall be valid for the biannual renewal cycle in which they are approved. Changes in any aspect of the approved program shall render the approval invalid and the presenter will be responsible for making reapplication to the Committee.”; and
- 3) Remove Rule 9.6.6 since it would be contradictory and cause confusion to the revised Rules and Regulations.

These changes are not considered substantial changes to those published. The motion was approved unanimously. The Public Hearing was closed at 11:21 a.m.

NEW BUSINESS

APPLICATIONS

There were no applications for review at the meeting.

OLD BUSINESS

STATUS OF PROPOSED LEGISLATION

There is no further information to present at this time.

DERRICK GORE – SCHEDULING OF PROPOSAL TO DENY HEARING AND REFERRAL TO ATTORNEY GENERAL’S OFFICE

The Board was notified that Mr. Derrick Gore has requested a hearing in response to the Board’s proposal to deny his application for licensure. Mr. Dabson made a motion, seconded by Mr. Hutchinson, to schedule the hearing for June 22, 2005, at 10:00 a.m. The July meeting date would be moved forward to June 22, 2005; therefore, there will not be a July meeting. The Board will table the letter of referral to the

Attorney General's office until after the outcome of the proposal to deny hearing. The motion was unanimously carried.

BELL FUNERAL HOME - PREVIOUSLY TABLED APPLICATION FOR FUNERAL ESTABLISHMENT

The application by Bell Funeral Home, Inc. for a Funeral Establishment Permit was previously tabled in order to discuss laws concerning requirements for preparation rooms for satellite establishments. The Board discussed that there are two existing Bell Funeral Home Establishments and one of these establishments currently has a preparation room. However, a new facility must have a preparation room. Only those facilities prior to 1988 can be grandfathered. Mr. Dabson made a motion, seconded by Mr. Hutchinson, to table the application. The Board will contact Bell Funeral Home to advise of the current requirement and to inquire if there is a room that it could set aside that has plumbing and a locked door that is not necessarily used. If so, Bell Funeral Home will be asked to submit a notarized letter of explanation to the Board. The motion was unanimously carried.

The Board will place this area of concern on its legislative agenda for next year. The Board would like to keep the legislative change simple by removing the language that satellites need preparation rooms.

The Board also discussed that if a funeral establishment is leasing space that the space must be the address of record.

ADJOURNMENT

Mr. Dabson made a motion, seconded by Mr. Hutchinson, to adjourn the meeting at 11:22 a.m. The motion was unanimously carried. The next meeting is June 22, 2005 at 10:00 a.m.

Respectfully Submitted,

Dana M. Spruill
Administrative Specialist II